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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 25-CV-20757-JB

JANE DOE, Miami, Florida
Plaintiff, April 4, 2025
vs. 4:37 p.m. - 4:56 p.m.
STEVEN K. BONNELL, II, Volume 1 of 1
Defendant. Pages 1 to 16

STATUS CONFERENCE
BEFORE THE HONORABLE JACQUELINE BECERRA
UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR THE PLAINTIFF: CARLOS ALBERTO GARCIA PEREZ ESQ
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FOR THE DEFENDANT: ANDREW B. BRETTLER ESQ-Zoom
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PATRICIA MARIE PATINO ESQ-Zoom
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STENOGRAPHICALLY REPORTED BY:

VERNITA ALLEN-WILLIAMS, RPR, RMR, FCRR
Official Court Reporter to:
The Honorable Jacqueline Becerra
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Southern District of Florida
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1 (Call to the order of the Court at 4:37 p.m.)
04:37PM 2 THE COURTROOM DEPUTY: Case No. 25-CV-20757-Becerra, Doe
04:37PM 3 vs. Bonnell.

04:37PM 4 Counsel, please state your appearances for the record,
04:37PM 5 starting with the plaintiffs that are present in the courtroom,
04:37PM 6 defendant present in the courtroom, and then the parties on Zoom.

04:37PM 7 MS. SCHLUMP: Good afternoon, Your Honor. Joan Peters
04:37PM 8 Schlump on behalf of the plaintiff.

04:37PM 9 MR. GARCIA PEREZ: Good afternoon, Your Honor. Carlos
04:37PM 10 Garcia Perez on behalf of the plaintiff.

04:37PM 11 MR. RASKOPF: Good afternoon, Your Honor. Robert Raskopf
04:37PM 12 from Bilzin Sumberg for the defendant.

04:37PM 13 MR. BRETTLER: Good afternoon, Your Honor. Andrew
04:38PM 14 Brettler. Thank you for allowing me to appear remotely. Also for
04:38PM 15 the defendant.

04:38PM 16 MS. PATINO: Patricia Patino from Bilzin Sumberg on
04:38PM 17 behalf of the defendant.

04:38PM 18 THE COURT: Are you from the Miami office?

04:38PM 19 MS. PATINO: I am. I'm just not in Miami at this moment.

04:38PM 20 THE COURT: I don't like Zoom hearings. Everybody can be
04:38PM 21 seated. I only allow counsel that are out of town. I just don't
04:38PM 22 want to give anybody a misimpression about when I allow Zoom
04:38PM 23 hearings. You can be seated, counsel.

04:38PM 24 MR. RASKOPF: Thank you, Your Honor.

04:38PM 25 THE COURT: So this case has been pending for a number of

04:38PM 1 months.

04:38PM 2 You looked at me a little cockeyed, ma'am. Didn't you
04:38PM 3 file it a couple months ago?

04:38PM 4 MS. SCHLUMP: February 21st, I believe.

04:38PM 5 THE COURT: Yes.

04:38PM 6 MS. SCHLUMP: Yes, correct.

04:38PM 7 THE COURT: It's April. So it's been filed. The parties
04:38PM 8 have already met for the joint status report; that was already
04:38PM 9 filed. I've got a scheduling order. The defendants have
04:38PM 10 answered.

04:38PM 11 And now last night I get a TRO based on facts that don't
04:38PM 12 appear to be any different from the complaint; so I want to hear
04:39PM 13 just very briefly as to why I should entertain the TRO as opposed
04:39PM 14 to just setting it down for a preliminary injunction.

04:39PM 15 MS. SCHLUMP: Well, Your Honor, I do apologize for the
04:39PM 16 delay in getting that motion out. There are a number of reasons
04:39PM 17 why that happened. One -- and I hate to go into personal things,
04:39PM 18 but -- Mr. Garcia was dealing with a cancer issue and going back
04:39PM 19 and forth to Texas.

04:39PM 20 I had pneumonia, and I was out straight for more than two
04:39PM 21 weeks; so we were really set back. There's just two of us working
04:39PM 22 on this case, and so that significantly delayed us. But there's
04:39PM 23 also other reasons, which is that we were trying to gather
04:39PM 24 affidavits from witnesses to bolster our evidence for the TRO and
04:39PM 25 get, you know, witnesses lined up for it.

04:40PM 1 Unfortunately, what we have encountered we have a number
04:40PM 2 of women that have come forward to us but have then backed out
04:40PM 3 because they are afraid of retaliation, and that's what they've
04:40PM 4 told us, and so we were not able to get these affidavits. We went
04:40PM 5 with what we have now, which basically we went from 15 potential
04:40PM 6 witnesses providing evidence, down to the one witness in addition
04:40PM 7 to the plaintiff.

04:40PM 8 THE COURT: That doesn't have anything to do with
04:40PM 9 anything. This is not a class action. You filed on behalf of one
04:40PM 10 woman. The TRO requests that he remove the video of the one
04:40PM 11 woman, and then there is a request with respect to whether or not
04:40PM 12 he is doing anything to destroy evidence in this case. I don't
04:40PM 13 know that that's a TRO. I think that's more akin -- you can file
04:40PM 14 a motion with respect to that. None of this sounds in TRO to me.

04:41PM 15 Obviously, the medical issue, I hope you're doing better.

04:41PM 16 MS. SCHLUMP: Thank you.

04:41PM 17 THE COURT: I hope it's not, obviously, more than a short
04:41PM 18 delay on a case.

04:41PM 19 But I don't see the emergency nature of the TRO. This
04:41PM 20 seems to me at best a preliminary injunction. There is nothing
04:41PM 21 that's happening today that wasn't happening when you filed the
04:41PM 22 suit or even a month before, right? In fact, if anything, like
04:41PM 23 the dates seem to line up sometime at the end of the year, right?

04:41PM 24 I'm in April. I don't see why the request for a TRO is
04:41PM 25 not stale.

04:41PM 1 MS. SCHLUMP: I understand your concerns, Your Honor, and
04:41PM 2 that is why we didn't file it as an emergency TRO.

04:41PM 3 I agree that most of the damage has already been done.
04:41PM 4 But the issue is that we keep receiving evidence of destruction of
04:41PM 5 evidence. We are trying to compile enough evidence to file a
04:42PM 6 motion for spoliation because we are very concerned with the fact
04:42PM 7 that all of this evidence is disappearing, so we are hoping to
04:42PM 8 file that very shortly. We're waiting for a specific piece of
04:42PM 9 evidence that we wanted to bring before the Court.

04:42PM 10 So, yes, I agree with you this is not an urgent matter
04:42PM 11 for having a TRO immediately, but it is ongoing harm that we would
04:42PM 12 like to stop.

04:42PM 13 THE COURT: That's why a preliminary injunction I think
04:42PM 14 is more appropriate. All a TRO is going to get you is ten days
04:42PM 15 before we get to the PI. I don't see the urgent nature.

04:42PM 16 I will tell you that even from my own scheduling
04:42PM 17 purposes, as you might have heard, some of you were here for the
04:42PM 18 other hearing, I am out of the district Monday or Tuesday. I am
04:42PM 19 here Wednesday, but I start a criminal trial on Thursday that's
04:43PM 20 likely to go a week.

04:43PM 21 And so my intention was to deny your request for a
04:43PM 22 temporary restraining order, but set a preliminary injunction
04:43PM 23 hearing and refer that though to the magistrate judge who has
04:43PM 24 got -- you know, he doesn't have my trial schedule, so he can hear
04:43PM 25 the preliminary injunction. He will issue a report and

04:43PM 1 recommendation on the preliminary injunction, which then I would
04:43PM 2 hear any objection and I will rule on it as soon as possible.

04:43PM 3 But it seems to me that the harm that you're sounding, as
04:43PM 4 best I can tell, I might be wrong, but to the extent that we're
04:43PM 5 really talking about the spoliation issue, that seems to me more a
04:43PM 6 spoliation than a PI; but I don't want to get too ahead of myself.
04:43PM 7 We can handle that as a PI; and it might not even be a PI, it
04:43PM 8 might be just an issue on spoliation.

04:43PM 9 And I will tell you that even as you've pled it so far,
04:43PM 10 we'll see what the defense says, but if I got sued for
04:44PM 11 distributing the materials about a woman and I may have done that
04:44PM 12 with other women, then I might say to myself "Maybe I shouldn't do
04:44PM 13 that any more. Let me delete that. Let me take that back. Let
04:44PM 14 me not do these things I'm being alleged that I'm doing because
04:44PM 15 maybe these are bad things I shouldn't be doing." That may be one
04:44PM 16 of the things that's going on. That's not spoliation. I don't
04:44PM 17 know.

04:44PM 18 Some of the stuff that's in this motion, I'm not finding
04:44PM 19 on its face what the connection is to this case. I assume you
04:44PM 20 will make that argument to Judge Torres and connect it up how it's
04:44PM 21 connected to this case because some of that I don't know is a
04:44PM 22 spoliation issue even, right; at least how you've pled it so far
04:44PM 23 or how you've argued it so far.

04:44PM 24 So I called you in for the status because I didn't know
04:44PM 25 if there was something else that was happening with respect to the

04:44PM 1 timing for the TRO. I am assuming that you've also been talking
04:45PM 2 to counsel because you were together for the joint scheduling
04:45PM 3 report.

04:45PM 4 MS. SCHLUMP: Correct.

04:45PM 5 MR. BRETTLER: Sorry, Your Honor. We were shocked to
04:45PM 6 hear about this.

04:45PM 7 THE COURT: Sir, I'm talking to counsel for plaintiff. I
04:45PM 8 will get to you.

04:45PM 9 So you were definitely together for the joint scheduling
04:45PM 10 report.

04:45PM 11 MS. SCHLUMP: Yes, and no we did not discuss a motion for
04:45PM 12 TRO during the joint scheduling; we just discussed scheduling.

04:45PM 13 I would say, Your Honor, that I understand what you're
04:45PM 14 saying about the spoliation. But one of the reasons that we were
04:45PM 15 moving for the TRO is because I do think that the defendant is
04:45PM 16 destroying evidence, and so we were looking for an order asking
04:45PM 17 him to respect the preservation of evidence rules. And we had
04:45PM 18 sent him a letter before the complaint was even filed asking him
04:45PM 19 to preserve evidence. I mean, he has even deleted messages
04:46PM 20 between him and the plaintiff. That to me is destruction of
04:46PM 21 evidence that's relevant to this case.

04:46PM 22 THE COURT: We're getting way ahead of ourselves, right?

04:46PM 23 MS. SCHLUMP: Well, so that was one of the reliefs that
04:46PM 24 we were seeking in the motion, was just that he be ordered to
04:46PM 25 preserve and not delete any further evidence.

04:46PM 1 THE COURT: So I don't even think that's subject to the
04:46PM 2 TRO, and I'll tell you why.

04:46PM 3 You have both a preservation letter, plus a complaint,
04:46PM 4 plus a scheduling order. If the defendant after having notice of
04:46PM 5 the suit is destroying evidence -- I mean he's also got lawyers
04:46PM 6 who I am sure are advising him of what he can and can't do -- if I
04:46PM 7 were to find or if Judge Torres finds as part of a discovery issue
04:46PM 8 that he has destroyed evidence, well there's all sorts of remedies
04:47PM 9 that the Court can take to do that.

04:47PM 10 The order that you're seeking requires him to do nothing
04:47PM 11 more than he's already required to do because he can't destroy
04:47PM 12 evidence now, right? You can't destroy evidence after you're on
04:47PM 13 notice of the suit and the preservation letter has been sent; so
04:47PM 14 if he is in fact destroying evidence, he can't do that. If he
04:47PM 15 doesn't think it's destroying evidence for some reason, well that
04:47PM 16 will all play out either in a motion for spoliation or maybe in
04:47PM 17 the preliminary injunction.

04:47PM 18 But to issue a temporary restraining order now on some
04:47PM 19 sort of urgent basis, one, I think that it's stale because even
04:47PM 20 that has been going on for some time. That's not something that
04:47PM 21 you found out right now and I need to stop it right now.

04:47PM 22 MS. SCHLUMP: Right.

04:47PM 23 THE COURT: So I am going to deny your motion for a TRO.
04:47PM 24 I know I just set it for status, but I don't want to have to set
04:47PM 25 the TRO for Wednesday to tell you what I'm telling you now because

04:48PM 1 I don't think -- I've read your papers, and I think based on your
04:48PM 2 papers the TR0 is stale.

04:48PM 3 But unless I hear an objection from you -- not that your
04:48PM 4 objection would necessarily change my mind, but I'm going to let
04:48PM 5 you put the objection on the record if you have one, but I will
04:48PM 6 deny your TR0 and set you to go to Judge Torres to have him set
04:48PM 7 the hearing for the preliminary injunction.

04:48PM 8 MS. SCHLUMP: We have no objection, Your Honor.

04:48PM 9 THE COURT: All right. Now, sir, I can hear from you.

04:48PM 10 MR. BRETTLER: I'm sorry, Your Honor. With the Court's
04:48PM 11 ruling right now, I don't think that there is any reason for us to
04:48PM 12 argue any further.

04:48PM 13 I will point out no one is destroying evidence. I will
04:48PM 14 further point out that we had no meet and confer efforts with
04:48PM 15 plaintiff's counsel about this. We were stunned to see not only
04:48PM 16 one but two motions it looked like for a TR0 filed yesterday. And
04:48PM 17 I understand that counsel did say that they didn't file it as an
04:48PM 18 emergency TR0, but by its very nature TR0s are an emergency --
04:48PM 19 seeking emergency relief.

04:49PM 20 We agree with the Court's assessment and have no
04:49PM 21 objection to having this referred to the magistrate for the PI
04:49PM 22 hearing.

04:49PM 23 THE COURT: So there were two TR0s, but I thought the
04:49PM 24 second one essentially amended the first. There wasn't a
04:49PM 25 different recovery; is that correct?

04:49PM 1 MS. SCHLUMP: Our administrative assistant did the
04:49PM 2 filings, and I think what happened was she neglected to include
04:49PM 3 Exhibit 3, and so she refiled. So that was a -- it's the exact
04:49PM 4 same thing. There's not two motions.

04:49PM 5 THE COURT: So I'm going to deny 20 because the motion
04:49PM 6 was the same; it was that exhibit that was different. I will deny
04:49PM 7 20 because 20 was duplicative as, in essence, of 21.

04:49PM 8 MS. SCHLUMP: Yes.

04:49PM 9 THE COURT: And then 21 I am going to deny the request
04:49PM 10 for the TRO and refer the preliminary injunction to Judge Torres,
04:49PM 11 and that's ECF 21.

04:49PM 12 And then I will leave it to Judge Torres to decide what
04:49PM 13 briefing schedule, if any, he wants to give the defense. He might
04:50PM 14 just set it for hearing or he might give you an opportunity to
04:50PM 15 brief it. I don't know what Judge Torres will do, but I will give
04:50PM 16 it to him to do on the preliminary injunction.

04:50PM 17 Let me just say, you know, I don't think that there is --
04:50PM 18 I have to check the local rule on this because I can't cite it
04:50PM 19 from memory, although I probably should be able to -- I don't
04:50PM 20 think there is an obligation necessarily for them to confer on the
04:50PM 21 TRO. That being said --

04:50PM 22 And I think that's one of the exceptions to conferral,
04:50PM 23 but I think you're going to agree with me on that, counsel.

04:50PM 24 MS. SCHLUMP: Yes, I do. I definitely confirmed that
04:50PM 25 before I filed.

04:50PM 1 THE COURT: I don't think there is a requirement. That
04:50PM 2 being said, this does strike me as something that you could talk
04:50PM 3 about and say because even from the evidence that plaintiff has
04:50PM 4 shown, it seems like the defendant, at least with these messages
04:50PM 5 to the plaintiff, is suggesting that he would withdraw the video
04:50PM 6 or try to do things with the video to take it out of the public
04:50PM 7 space. That seems like something you might be able to work out;
04:51PM 8 maybe not. I don't know.

04:51PM 9 And if there is an issue of the destruction of evidence,
04:51PM 10 that's something that on a motion for spoliation you will have to
04:51PM 11 confer. It seems to me that you should be conferring about this,
04:51PM 12 that it makes most sense, and especially if you want a resolution
04:51PM 13 that's quicker, is to talk about it because you will have to set
04:51PM 14 it for PI, there will be a hearing, there will have to be a
04:51PM 15 written report and recommendation, it will have to come to me. I
04:51PM 16 think you should pick up the phone and talk.

04:51PM 17 I mean it is a little odd, ma'am, I will just say. If
04:51PM 18 you're sitting talking about the schedule and everything, clearly
04:51PM 19 you were already working on the TRO, probably the defendant didn't
04:51PM 20 love to get that TRO filed, like, the day after you were
04:51PM 21 conferring for an hour on the schedule. It doesn't mean you
04:51PM 22 couldn't do it; it's just that it's not great.

04:51PM 23 MS. SCHLUMP: I didn't -- I hear what you're saying, Your
04:51PM 24 Honor.

04:51PM 25 THE COURT: It's not a great way to start a case.

04:52PM 1 MS. SCHLUMP: We have had discussions with counsel prior
04:52PM 2 to this, and they were not very productive, so I did not think
04:52PM 3 that discussing this matter with them -- I mean Mr. Brettler just
04:52PM 4 said his client is not destroying evidence. We know the client is
04:52PM 5 destroying evidence. We've seen it. So it's just not --

04:52PM 6 THE COURT: Hold on. Hold on. When I speak, you have to
04:52PM 7 stop.

04:52PM 8 MS. SCHLUMP: Sorry. Go ahead. Yes. Sorry.

04:52PM 9 THE COURT: One, not just because I'm the judge; but two,
04:52PM 10 because my court reporter only writes down what one person says,
04:52PM 11 and I promise it's always what I'm saying if there are two people
04:52PM 12 talking.

04:52PM 13 My point to you is you can tell them "Your client is
04:52PM 14 destroying evidence." Of course they're going to tell you that
04:52PM 15 he's not; I would hope they're going to say that. Now, if you
04:52PM 16 show them evidence of it, they're probably not going to say "Yeah,
04:52PM 17 he is destroying evidence," but they might talk to their client
04:52PM 18 and come to some agreement with you about what he can and can't
04:52PM 19 do.

04:52PM 20 So, you know, productivity isn't them acquiescing to your
04:53PM 21 allegation, but you might be able to get some resolution of what
04:53PM 22 he can and can't do in this space in terms of what he can do with
04:53PM 23 his emails and what he can do with his chats. I mean there are so
04:53PM 24 many platforms and things now, I don't even try to keep up with
04:53PM 25 them. Even though I have a teenager and I think I do keep up with

04:53PM 1 them, I don't because there is something new that comes out every
04:53PM 2 day. So whatever platforms he is chatting with people or talking
04:53PM 3 to people on, you know, these things I know are moving targets,
04:53PM 4 but it's always productive to talk.

04:53PM 5 And let me just say one more thing because it's day --
04:53PM 6 not day one because you filed in February, but we're really early
04:53PM 7 on in this litigation that will be before me for God knows how
04:53PM 8 long. You need to confer.

04:53PM 9 MS. SCHLUMP: Understood.

04:53PM 10 THE COURT: And you need to confer a lot. I think good
04:53PM 11 lawyers working in good faith can work a lot of things out; and
04:53PM 12 when you can't, that's my job and I'm happy to hear disputes. I
04:54PM 13 obviously love it; otherwise I wouldn't want this job. But the
04:54PM 14 dispute is better and it's easier for the Court and it's fairer
04:54PM 15 for the parties if what's before the Court has really been
04:54PM 16 crystalized by conferral.

04:54PM 17 So I hear you that these lawyers aren't going to agree
04:54PM 18 with you probably on much when it comes to the substance, but it
04:54PM 19 does help to crystalize the issues if you at least talk to each
04:54PM 20 other. And it's very difficult when they've been sitting with you
04:54PM 21 for an hour talking about the schedule, you never mentioned the
04:54PM 22 TRO and it gets filed, it doesn't help in terms of the lawyers
04:54PM 23 trusting each other to at least bring issues in good faith.

04:54PM 24 It's a complex case. I understand, you know, it's a
04:54PM 25 sensitive matter for your client, I understand that. But if we

04:54PM 1 want to go forward in a way that's productive going forward, I'm
04:54PM 2 going to encourage you as best you can to talk to the lawyers.
04:55PM 3 Keep talking to the defense lawyers. And I'm not telling you to
04:55PM 4 agree with them, I'm just telling you that to work in good faith
04:55PM 5 to try to bring things to the Court when they have been
04:55PM 6 crystalized and when they have been vetted by both sides. I think
04:55PM 7 that only helps the Court and I think it only helps the parties.

04:55PM 8 So as I said, for purposes of my ruling, I find that the
04:55PM 9 request for a TRO is stale. There is no urgent issue before the
04:55PM 10 Court. It can be handled at the preliminary injunction.

04:55PM 11 Because of my court schedule and my trial schedule, it
04:55PM 12 will be referred to the magistrate judge. I would expect that by
04:55PM 13 Monday, you know, his chambers will reach out to you by order or
04:55PM 14 by phone or something or Tuesday maybe to figure out what those
04:55PM 15 dates are and what that schedule is.

04:55PM 16 All right. Anything else on behalf of the plaintiff?

04:55PM 17 MS. SCHLUMP: No, Your Honor.

04:55PM 18 THE COURT: On behalf of the defendant?

04:55PM 19 MR. BRETTLER: The only thing, Your Honor, is I will
04:55PM 20 absolutely appear in person at future hearings. The only reason I
04:55PM 21 couldn't is because we only had 18 hours' notice of this one;
04:55PM 22 otherwise, I would have been on an airplane, and appreciate the
04:56PM 23 Court's accommodation.

04:56PM 24 THE COURT: Look, I missed it because I saw Bilzin and I
04:56PM 25 missed that there was an L.A. lawyer on it. And I just wanted to

04:56PM 1 have it today because I'm out of the district Monday and Tuesday.
04:56PM 2 I didn't want to on a TRO wait till Wednesday, and so we just
04:56PM 3 jumped on it to set a hearing. I know it's Friday afternoon.
04:56PM 4 It's almost 5:00 o'clock. Sorry, Miami traffic. Friday afternoon
04:56PM 5 is rough. I wasn't trying to punish anybody, I've just had
04:56PM 6 hearings all day, and so this is the space I had for you all.

04:56PM 7 All right. Thank you very much.

04:56PM 8 MR. BRETTLER: Thank you, Your Honor.

04:56PM 9 THE COURT: We're in recess.

04:56PM 10 MS. SCHLUMP: Thank you, Your Honor.

04:56PM 11 MR. GARCIA PEREZ: Thank you, Your Honor.

04:56PM 12 (Proceedings adjourned at 4:56 p.m.)

13 C E R T I F I C A T E

14 I hereby certify that the foregoing is an accurate
15 transcription of the proceedings in the above-entitled matter.

16 DATE: 4/8/25

17 /s/Vernita Allen-Williams
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